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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,768	09/04/2003	Peter J. Suttie	67,036-025; B05756-AT6	6696

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EXAMINER

DESCHERE, ANDREW M

ART UNIT	PAPER NUMBER
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2836

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/654,768	Applicant(s) SUTTIE, PETER J.	
	Examiner Andrew M. Deschere	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 14 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 1 December 2006 has amended claims 14 and 16. Examiner's rejection under 35 U.S.C. 112 is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 6,278,262 ("Ulyott") and United States Patent 4,456,830 ("Cronin").

Ulyott discloses an APU system. A controller controls the rotational speed of the APU to match the steady-state rotational speed of a primary generator. The controller then connects the APU to both the load and primary generator and subsequently removes the primary generator (Abstract). The controller causes the APU to gradually accelerate when matching the frequency of the electrical generator (column 4, lines 14-19); the "controlled excursion" of the APU is shown in Figure 3 (column 3, lines 55-60). Electronic controller 26 is communicatively connected to breaker 22 for primary AC source 30 and APU controller 24 (Figure 1). The APU system may be used to provide back-up power to the electrical power system of an aircraft (column 1, lines 21-23).

Although Ulyott discloses a controlled acceleration of the APU, keeping the acceleration below a determined "rate limit" is not taught. Cronin teaches the use of logic schedules to

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control the rate of change of frequency and voltage when bringing a generator up to speed (column 5, lines 46-62). This controlled rate of change while synchronizing an APU with a generator is stated by Cronin to be "well understood by those versed in the art". It would have been obvious to one of ordinary skill in the art at the time of the invention to limit the rate at which the APU of Ulliyott is accelerated in order to avoid mechanical stress and malfunction caused by overly rapid acceleration.

Claims 2, 11, and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Ulliyott and Cronin in view of United States Patent 6,365,982 ("Iles"). Ulliyott discloses an APU system with frequency and speed matching according to a primary generator, but does not teach the use of a look-up table that corresponds target APU speed with APU frequency. Iles teaches that a look-up table may be used with an engine. The look-up table matches a desired speed with a frequency. The speed to be set is linked to an engine operating state, such as idle (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a look-up table in the invention of Ulliyott so that gradual, controlled acceleration of an APU may be implemented in a system using discrete control.

Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Ulliyott and Cronin in view of United States Patent 5,303,541 ("Goff"). Ulliyott discloses an APU system with frequency and speed matching according to a primary generator, but does not teach the use of a fuel schedule in operating the APU. Goff teaches an APU using a fuel schedule to maintain a proper fuel to air ratio, providing a proper operating speed of the APU (column 1, lines 41-61). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a

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fuel schedule in the invention of Ulliyott to maintain the gradual acceleration when matching the frequency of the electrical generator.

Claims 5, 6, 10, 15, 17, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Ulliyott in view of United States Patent 6,472,774 ("Bedouet"). Ulliyott discloses an APU system with frequency and speed matching according to a primary generator that provides power to a load once the APU speed has been increased to a set level (Ulliyott, column 1, lines 46-58), but does not teach that a load device may be shut down during power transfer. Bedouet teaches a device for energy management, particularly drawn to supplying electrical equipment on an aircraft (Bedouet, column 1, lines 6-11). Certain events, such as a loss of engine power, starting of engines, or a partial system failure, may reduce available electric power in an aircraft. In such an event, the device carries out load shedding, removing electrical power from components least critical to the operation of the aircraft (column 1, lines 21-38). A combination of Ulliyott and Bedouet would provide load shedding during starting of engines (power transfer). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the APU system with the load shedding of Bedouet to provide a high level of security to the aircraft and its passengers by prioritizing and shedding loads when a reduced electrical power level is available (column 2, lines 17-27).

Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Ulliyott, Iles, and Bedouet. See rejection of claims 2 and 5 above.

Claims 3 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Ulliyott, Cronin, and Bedouet. See rejection of claims 1 and 5, and 9 and 10 above.

Response to Arguments

Applicant's arguments filed 1 December 2006 have been fully considered but they are not persuasive.

In regard to claims 1, 8, and 9, the Applicant argues that substituting the controlled rate of Cronin into the invention of Ulyott would not meet the claims, but has provided no indication as to what features are missing in the Examiner's rejection. The Applicant further argues that the substitution "would require the entire detailed operation of Ulyott be abandoned". The Examiner respectfully traverses. Since Ulyott merely teaches that the APU is accelerated "gradually" by its controller (column 4, lines 14-19), the Examiner contends that the teachings of Cronin could be used in the invention of Ulyott to control the rate of this gradual acceleration.

In regard to claims 2, 11, and 13, the Applicant argues that there is no suggestion to use a look up table in the combination of Ulyott and Cronin. The Examiner respectfully traverses. It would be obvious to one of ordinary skill in the art to utilize a look-up table, such as that taught by Iles, in a discrete motor control system. Since the teachings of Ulyott and Cronin provide no insight as to the inner workings of their controllers, it would be reasonable to utilize the controller teachings of Iles to provide a look-up table for determining output frequencies.

Applicant's arguments filed 1 December 2006 with respect to claims 5, 6, 10, 15, 17, and 18 have been fully considered and are persuasive. The rejections of claims 3, 5-7, 10, 12, 15, 17, and 18 have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bedouet.

Allowable Subject Matter

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Claims 14 and 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: in regard to claims 14 and 16, the prior art suggests gradual adjustment of APU speed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Deschere whose telephone number is (571) 272-8391. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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